1951

File No. O. Gujarat University/51

Legal Department—

A BRANCH

Subject:—

Opinions under the Gujarat University Act 1949

File No. O. Gujarat University/51

Gen. 194 e.

181 - A

19 51

File No. O. Gujarat University 1/51

Legal Department—

P H F

A **BRANCH**

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Gen. 194 e.

181 - A

C O N T E N T S.

Legal Department File No. 6. Gujarat University/51.

Sr. No.	D.O.No./C. No.	Subject.	Pages.
		Opinions under the Gujarat University Acts, 1949.	
1)	964 16-1-51.	Sections 61 and 61A.- Liability for T.A. and other emoluments of the Vice-Chancellor and Rector after incorporation.	1-2.
2)	2895 15-2-51.	Section 5(1) (4) Bombay University Act, 1928; Sec. 48 Maharashtra Colleges - transfer of affiliation of from the Bombay University to the Gujarat University.	3-4.

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Office of the F.L.A.

Liability for T.A. and other emoluments of the Vice-Chancellor and Rector after Corporation. Gujerat University Act, 1949 Sects. 61and 61 A.

Under sections 61 and 61A of the Gujerat University Act, 1949 the first Vice-Chancellor and the first Rector have been appointed on the terms and conditions stated in G.R.F.D.No. 9200 dated 12-12-1949 and No. 9235 dated 13-5-1950. The Vice-Chancellor would draw Travelling Allowance and the Rector would draw ~~xxxxxx~~ Travelling Allowance from the Rector would draw pay and Travelling Allowance from the revenues of the State so long as the University did not come into existence. (cf. F.L.A.'s opinion No. 300 -confl . dated 12-6-1948). But once the University is incorporated under section 3, as in the present case, the emoluments will have to be laid from the University Fund. The appointments of the Vice-Chancellor and the Rector have been made by Government in pursuance of the Statutory provisions contained in sections 61 and 61A, but merely because the appointments are made by Government the liability to pay their Travelling Allowance and salry cannot be passed on to the Government. After incorporationof the University this liability will be of the University. ~~xxxxxxxxxxx~~ The view taken by the Under Secretary, EducationDepartment in his note dated 29-12-1950 is correct.

Sd/-

Remembrancer of Legal Affairs.

U.F. to F.L.No. 934 dated 16th January 1951.

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Legal Department.

The Bombay University Act, 1928: Sec. 42.

The Gujarat University Act 1949, Sec: 5(1)(4)

The view taken in paragraph 2 of the Education Department note dated the 29th January 1951, is correct. The Gujarat University Act, 1949, does not contain any provision for the transfer of the affiliation of an institution to the said University from another University. The Colleges in Saurashtra will be admitted to the privileges of the Gujarat University under sub-section (4) of section 5 of the Gujarat University ~~and the said~~ Act, subject to such conditions and restrictions as the Gujarat University and the State Government may impose. That sub-section does not provide as sub-section (1) of section 5 does in the case of institutions in the University area that the institutions outside the said area shall not be associated with any other University. The Bombay University Act, 1928, under which the colleges in Saurashtra have been affiliated to the Bombay University does not also contain a provision that an institution affiliated to the said University will not be associated with or seek admission to any other University. It is true that under section 42 of the Bombay University Act, it is open to the University to withdraw the affiliation granted to any institution. There is no legal objection to allow the Saurashtra colleges to continue their affiliation to the Bombay University, if the Gujarat University or the State Government considers that the continuance of a double affiliation is not in any way objectionable. But in order that no practical difficulties should arise in future it will be desirable to inform the Bombay University of the intention of the Saurashtra Colleges to be affiliated to the Gujarat University.

sd/-

Additional Secretary to Govt.
Legal Department.

U.P. to E.D. No. 2895 dated the 15th

February 1951.

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